

<p>Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address</p> <p>NEXUS BANKRUPTCY Benjamin Heston (297798) 100 Bayview Circle #100 Newport Beach, CA 92660 Tel: 951.290.2827 Fax: 949.288.2054 ben@nexusbk.com</p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for Debtor(s)</p>		<p>FOR COURT USE ONLY</p>	
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION</p>			
<p>In re:</p> <p>MAXIMO ARTURO ARRIOLA,</p> <p>Debtor(s).</p>		<p>CASE NUMBER: 6:22-bk-13643-SY CHAPTER 13</p>	
		<p>MOTION UNDER LBR 3015-1(n) AND (w) TO MODIFY PLAN OR SUSPEND PLAN PAYMENTS</p>	
		<p>[No Hearing Required]</p>	

1. The Debtor hereby moves this court to modify the confirmed Chapter 13 Plan or suspend plan payments, as set forth in detail below.
2. The purpose of this motion is to (**check all that apply**):
 - ☒ Cure the delinquency.
 - ☐ Address the expiration of the plan.
 - ☐ Cure the infeasibility of the plan.
 - ☒ Modify the amount of the plan payment, the length of the plan and/or the percentage to be paid to unsecured creditors because of a change in financial circumstances.
3. Terms of original confirmed Chapter 13 plan:

The Order Confirming Plan was entered on 3/28/2023.

Plan payment amount(s): \$1,722 per month for months 1 - 5;
 \$4,162 per month for months 6 - 60.

Length of plan: 60 months.

Percentage paid to Class 5 general unsecured creditors: 54%.
4. There have been 0 previous modification or suspension orders.

Plan payments have been suspended for 0 months and/or the plan has been extended for 0 months.

5. Current plan terms (**complete this section if the confirmed chapter 13 plan has been subject to a previous modification or suspension order**):

Plan payment amount(s): \$___ per month.

Length of plan: ___ months.

Percentage paid to Class 5 general unsecured creditors: ___%.

6. Proposed modification:

☐ Suspend (*indicate number of plan payments*) ___ plan payments.

☐ Extend the term by (*indicate number of months*) ___ month(s).

☐ Reduce the term by (*indicate number of months*) ___ month(s).

☒ Increase the plan payment from \$4,162 to \$4,485 from (date) 8/2023 to (date) end of plan.

☒ Reduce the plan payment from \$4,162 to \$2,400 from (date) 4/2023 to (date) 7/2023.

7. Since the Order Confirming Plan or the last modification or suspension order was entered, the debtor's circumstances have changed in the following respect:

Debtor's plan relies on income from several sources received by himself and his brother, Eduardo.

Eduardo's job as a contractor has started to pick up recently and he will be receiving regular income in addition to his side jobs. Eduardo is also currently receiving income from CalWORKS. Over the past couple months, his monthly amount was decreased since Eduardo's proof of income was not accepted. He has since re-submitted his application with the requested proof of income. He will be receiving approximately \$1,000 during the week of July 10th and has a hearing set for July 26th to determine the amount of backpay he will be receiving. He is expecting the back pay to total somewhere between \$6,000 to \$8,000.

Debtor recently went through the process of having his VA Disability rating increased and was informed in February that he received a favorable decision that would take approximately 5 months before coming into effect. Debtor is expecting that in addition to an increase in his monthly payments, he will be receiving approximately \$5,000 to \$6,000 in backpay.

The total amount of backpay and increase in monthly income that will be available is more than sufficient to bring Debtor current on plan payments and cover the increase pursuant to the terms of his modified plan.

File and serve amended schedules I and J (if appropriate) and supporting documentation concerning the basis for this motion including, but not limited to, proof of income.

8. If this motion is granted, the last plan payment due would be payable 60 months after the first plan payment was due.

9. If this motion is granted:

a. ☒ There will be no change in the percentage paid to Class 5 general unsecured creditors,

OR

b. ☐ The percentage paid to Class 5 general unsecured creditors will change from ___% to ___%.

Date: July 11, 2023

/s/Benjamin Heston

Benjamin Heston
Attorney for Debtor

I declare under penalty of perjury that the following is true and correct.

Date: July 11, 2023



Maximo Arriola
Debtor